

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

WAYMAN L. PRICE,

Plaintiff,

v.

RANDOLPH COUNTY PARDONS &  
PAROLE, and JERRY FARROW,

Defendants.

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CASE NO. 4:11-CV-26 CDL-MSH  
42 U.S.C. § 1983

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**RECOMMENDATION OF DISMISSAL**

On March 15, 2011, Plaintiff filed a “Protective bill mandamus speedy writ amending process for 42 U.S.C. & 1983 Civil Action Complaint” (ECF Nos. 1, 3) along with a motion to proceed *in forma pauperis* (IFP) (ECF No. 2). On April 11, 2011, the Court granted Plaintiff’s motion to proceed IFP and ordered Plaintiff to file an amended complaint on the proper 42 U.S.C. § 1983 form and which complies with Rule 8 of the Federal Rules of Civil Procedure. (Order 2-3, Apr. 11, 2011, ECF No. 7.) It was explained to Plaintiff that failure to comply with the Court’s Order within thirty days could result in the dismissal of his Complaint. (*Id.* at 3.) Plaintiff has failed to comply with the Court’s Order by submitting an amended complaint. Consequently, the Court recommends dismissal of Plaintiff’s Complaint pursuant to Federal Rules of Civil Procedure Rule 41(b) for failure to comply with a court order. *See Betty K. Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (explaining that a court may *sua sponte* dismiss an action pursuant to Federal Rules of Civil Procedure Rule 41(b));

*Smith v. Bruster*, No. 10-12098, 2011 WL 1533448, at \* 2 (11th Cir. Apr. 25, 2011) (“[T]he district court may *sua sponte* dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) if the plaintiff fails to comply with court rules or a court order.”).

WHEREFORE, IT IS HEREBY RECOMMENDED that Plaintiff’s Complaint be DISMISSED without prejudice for failure to comply with a court order. Pursuant to 28 U.S.C. § 636(b)(1), Plaintiff may file objections to this Recommendation in writing with the UNITED STATES DISTRICT COURT within FOURTEEN (14) DAYS after being served with a copy hereof.

**SO RECOMMENDED** this 19th day of May, 2011.

S/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE